

Application No. 09/707,926

REMARKS

The Office Action of January 6, 2004 has been carefully considered. Reconsideration of this application, as amended, is respectfully requested. Claims 1-19 are pending in this application. Of these, claims 1, 9, and 17 are independent claims.

This Amendment amends claims 1-6 and adds new claims 7-20. Support for these amendments is found in the Applicant's specification at page 3, line 24 through page 4, line 10 and page 5, line 3 through page 7, line 9. In addition, this Amendment amends the specification to correct two typographical errors identified by Applicant.

1. Response to Rejection Under 35 USC 102

The Office Action on pages 2-5 rejects claims 1-6 under 35 USC 102(b) as being anticipated by Lobiondo, U.S. Patent No. 5,287,194 (hereinafter referred to as "Lobiondo"). In response thereto Applicant amends claims 1-6 to more clearly set forth what Applicant believes to be the invention.

Lobiondo describes a centralized routine for scheduling print jobs (see Lobiondo Figures 1 and 4 and accompanying description). The centralized scheduling routine will determine if a print job submitted by a user is not able to be completed by the completion time requested by the user at the selected or suggested printer. If the centralized scheduling routine determines that completion will not be possible, the centralized scheduling routine will inform the user and suggest another printer and an allocated portion of the print job to be printed at the other printer.

In contrast, Applicant's claimed invention set forth in independent claims 1, 9, and 17 does not concern the centralized scheduling of print jobs as disclosed by Lobiondo. That is while scheduling in Lobiondo is performed by a centralized scheduling routine (i.e., combination of print server and scheduler – see Lobiondo Figure 1 and description related to print server 60 and scheduler 50 in columns 3-7), Applicant's claimed invention concerns decentralized control of print jobs by print shops communicatively coupled to a network and a central repository that stores production schedules of the print shops, where print job division processing is not initiated by the central repository. Instead, print job division (or scheduling)

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processing is performed between geographically distributed print shops independent of any centralized scheduling facility.

With specific reference now to independent claim 1, Applicant submits that Lobiondo fails to disclose or suggest as claimed by Applicant a method in which: a first print shop which lacks sufficient printing capacity for processing a print job, accesses the production schedule of a second print shop via a central repository; the first print shop displays the production schedule of the second print shop accessed from the central repository; and the first print shop transfers at least part of the print job to the second print shop, if spare printing capacity is indicated in the production schedule of the second print shop displayed at the first print shop; wherein the first and second print shops effect the transfer independent of any centralized scheduling application while each print shop may operate a scheduling application of its choosing. As taught by Applicant on page 7, lines 1-2, of Applicant's specification, "there is no requirement on the print shops to use the same scheduling tool" unlike the method and system disclosed by Lobiondo.

Instead, Lobiondo teaches away by disclosing a centralized scheduling routine that does not permit independent actions by communicatively coupled print shops as claimed by Applicant as Lobiondo concerns a single print shop with printers that may be at remote locations (see column 3, lines 16-18 and column 5, lines 34-44). Even if a user as described by Lobiondo were considered a print shop, the user would not perform as claimed by Applicant's print shops as the user does not access production schedules of print shops (such processing being centrally controlled by the scheduler). Instead the user in Lobiondo waits for notification from the scheduler of how a print job is to be distributed (see Lobiondo column 4, lines 32-34). Moreover, this is reinforced as Lobiondo provides that in sending of copies of print jobs to a plurality of remote locations the centralized scheduler "determines the availability of all remote locations and determines if the remote locations can complete the job by the desired completion time" (see Lobiondo column 5, lines 51-55).

Accordingly, Applicant respectfully submits that independent claim 1 as amended is patentably distinguishable over Lobiondo. In addition, it should be noted that independent claims 9 and 17 contain very similar limitations to those discussed above with respect to claim 1, and therefore the argument presented above with

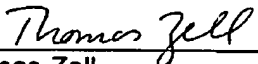
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regard to claim 1 applies equally to claims 9 and 17. Insofar as claims 2-8, 10-16, and 18-20 are concerned, th s claims depend from one of now presumably allowable independent claims 1, 9, and 17 and are also believed to be in allowable condition.

2. Conclusion

In view of the foregoing remarks, reconsideration of this application and allowance thereof are earnestly solicited. In the event the Examiner considers a personal contact advantageous to the disposition of this case, the Examiner is hereby requested to call Attorney for Applicant(s), Thomas Zell.

Respectfully submitted,



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